

PROPOSED AMENDMENT
SENATE AMENDMENTS TO S.B. 1377
(Reference to printed bill)

Page 1, line 12, after "services" insert ", EXCEPT THAT INSTEAD OF A SINGLE CONTRACT FOR CONSTRUCTION SERVICES, THE DEPARTMENT MAY ELECT SEPARATE CONTRACTS FOR PRECONSTRUCTION SERVICES DURING THE DESIGN PHASE, FOR CONSTRUCTION DURING THE CONSTRUCTION PHASE AND FOR ANY OTHER CONSTRUCTION SERVICES"

Page 2, line 35, after "SERVICES" insert ", EXCEPT THAT INSTEAD OF A SINGLE CONTRACT FOR DESIGN SERVICES AND CONSTRUCTION SERVICES, THE DEPARTMENT MAY ELECT SEPARATE CONTRACTS FOR PRECONSTRUCTION SERVICES AND DESIGN SERVICES DURING THE DESIGN PHASE, FOR CONSTRUCTION AND DESIGN SERVICES DURING THE CONSTRUCTION PHASE AND FOR ANY OTHER CONSTRUCTION SERVICES"

Line 44, strike "advice" insert "SERVICES AND OTHER ACTIVITIES"

Page 6, line 21, after "responsible" insert "TWO-STEP"

Page 9, line 8, after "services" insert "AND ONE-STEP DESIGN-BUILD CONSTRUCTION SERVICES"

Lines 11 and 12, strike "AND ONE-STEP DESIGN-BUILD CONSTRUCTION SERVICES"

Page 12, lines 16 and 17, strike "ONE-STEP DESIGN-BUILD CONSTRUCTION SERVICES"

Page 13, between lines 40 and 41, insert:

"Sec. 6. Renumber

Section 28-7367, Arizona Revised Statutes, is renumbered as section 28-7368.

Sec. 7. Title 28, chapter 20, article 13, Arizona Revised Statutes, is amended by adding a new section 28-7367, to read:

28-7367. Multiple contracts for the same job-order-contracting construction services to be awarded to separate persons or firms in a single procurement; contract requirements

A. THE DEPARTMENT MAY PROCURE IN A SINGLE PROCUREMENT MULTIPLE CONTRACTS FOR THE SAME JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES TO BE AWARDED TO SEPARATE PERSONS OR FIRMS PURSUANT TO THIS SECTION.

1 B. THE DEPARTMENT SHALL PROVIDE NOTICE OF EACH PROCUREMENT OF MULTIPLE
2 CONTRACTS FOR THE SAME JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES TO BE
3 AWARDED TO SEPARATE PERSONS OR FIRMS PRESCRIBED IN THIS SECTION AND SHALL
4 AWARD CONTRACTS ON THE BASIS OF DEMONSTRATED COMPETENCE AND QUALIFICATIONS
5 FOR THE TYPE OF JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES PURSUANT TO THE
6 PROCEDURES PRESCRIBED IN THIS SECTION.

7 C. IN THE PROCUREMENT OF MULTIPLE CONTRACTS FOR THE SAME
8 JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES TO BE AWARDED TO SEPARATE PERSONS
9 OR FIRMS PURSUANT TO THIS SECTION:

10 1. THE DEPARTMENT SHALL ISSUE A REQUEST FOR QUALIFICATIONS FOR EACH
11 PROCUREMENT AND PUBLISH NOTICE OF THE REQUEST FOR QUALIFICATIONS IN THE SAME
12 MANNER AS PROVIDED IN SECTION 28-6923. THE REQUEST FOR QUALIFICATIONS SHALL:

13 (a) STATE THAT MULTIPLE CONTRACTS FOR THE SAME JOB-ORDER-CONTRACTING
14 CONSTRUCTION SERVICES MAY OR WILL BE AWARDED, THE NUMBER OF CONTRACTS THAT
15 MAY OR WILL BE AWARDED, THE SERVICES TO BE PERFORMED UNDER EACH OF THE
16 MULTIPLE CONTRACTS AND THAT EACH OF THE MULTIPLE CONTRACTS WILL BE AWARDED TO
17 A SEPARATE PERSON OR FIRM.

18 (b) INCLUDE THE NUMBER OF PERSONS OR FIRMS TO BE INCLUDED ON THE FINAL
19 LIST. THE NUMBER ON THE FINAL LIST SHALL BE THE NUMBER OF CONTRACTS THAT MAY
20 OR WILL BE AWARDED PLUS A NUMBER THAT IS DETERMINED BY THE DEPARTMENT AND
21 THAT IS NOT MORE THAN FIVE.

22 (c) STATE THE CRITERIA TO BE USED BY THE SELECTION TEAM TO SELECT THE
23 PERSONS OR FIRMS TO PERFORM THE JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES.
24 THE REQUEST FOR QUALIFICATIONS SHALL ALSO STATE IN A MANNER DETERMINED BY THE
25 DEPARTMENT THE RELATIVE WEIGHT OF THE SELECTION CRITERIA.

26 (d) IF THE DEPARTMENT WILL HOLD INTERVIEWS AS PART OF THE SELECTION
27 PROCESS, STATE THAT INTERVIEWS SHALL BE HELD WITH A NUMBER OF PERSONS OR
28 FIRMS EQUAL TO THE NUMBER OF CONTRACTS THAT MAY OR WILL BE AWARDED PLUS A
29 NUMBER THAT IS DETERMINED BY THE DEPARTMENT AND THAT IS NOT MORE THAN FIVE.

30 2. FOR EACH REQUEST FOR QUALIFICATIONS, THE DEPARTMENT SHALL INITIATE
31 A SELECTION TEAM PURSUANT TO SECTION 28-7365, SUBSECTION B. A PERSON WHO IS
32 A MEMBER OF A SELECTION TEAM SHALL NOT BE A CONTRACTOR UNDER THE CONTRACT OR

1 PROVIDE CONSTRUCTION, CONSTRUCTION SERVICES, MATERIALS OR SERVICES UNDER THE
2 CONTRACT. THE SELECTION TEAM SHALL:

3 (a) EVALUATE THE STATEMENTS OF QUALIFICATIONS AND PERFORMANCE DATA
4 THAT ARE SUBMITTED IN RESPONSE TO THE DEPARTMENT'S REQUEST FOR
5 QUALIFICATIONS.

6 (b) IF DETERMINED BY THE DEPARTMENT AND INCLUDED BY THE DEPARTMENT IN
7 THE REQUEST FOR QUALIFICATIONS, CONDUCT INTERVIEWS WITH THE NUMBER OF PERSONS
8 OR FIRMS TO BE INTERVIEWED AS STATED IN THE REQUEST FOR QUALIFICATIONS
9 REGARDING THE CONTRACT AND THE RELATIVE METHODS OF APPROACH FOR FURNISHING
10 THE REQUIRED CONSTRUCTION SERVICES.

11 (c) AFTER ANY INTERVIEWS, IN ORDER OF PREFERENCE, BASED ON THE
12 CRITERIA AND THE WEIGHTING OF CRITERIA ESTABLISHED AND PUBLISHED BY THE
13 DEPARTMENT AND INCLUDED IN THE REQUEST FOR QUALIFICATIONS, SELECT THE FINAL
14 LIST OF PERSONS OR FIRMS THE SELECTION TEAM DEEMS TO BE THE MOST QUALIFIED TO
15 PROVIDE THE CONSTRUCTION SERVICES AND, IN THE CASE OF A CONTRACT THAT WILL BE
16 NEGOTIATED UNDER SUBSECTION E OF THIS SECTION, RANK THE PERSONS OR FIRMS ON
17 THE FINAL LIST IN ORDER OF PREFERENCE. THE SELECTION TEAM SHALL BASE THE
18 SELECTION OF THE FINAL LIST AND THE ORDER OF PREFERENCE ONLY ON DEMONSTRATED
19 COMPETENCE AND QUALIFICATIONS. THE NUMBER OF PERSONS OR FIRMS ON THE FINAL
20 LIST SHALL BE THE NUMBER OF PERSONS OR FIRMS SPECIFIED IN THE REQUEST FOR
21 QUALIFICATIONS, EXCEPT THAT:

22 (i) IF A SMALLER NUMBER OF RESPONSIVE AND RESPONSIBLE PERSONS OR FIRMS
23 RESPOND TO THE SOLICITATION, THE DEPARTMENT MAY HAVE THE SELECTION TEAM
24 PROCEED WITH THE SELECTION PROCESS, INCLUDING INTERVIEWS AND THE FINAL LIST,
25 WITH THE REMAINING PERSONS OR FIRMS IF AT LEAST TWO PERSONS OR FIRMS REMAIN
26 OR THE DEPARTMENT MAY READVERTISE PURSUANT TO THIS SUBSECTION AS THE
27 DEPARTMENT DEEMS NECESSARY OR APPROPRIATE.

28 (ii) IF ONLY ONE RESPONSIVE AND RESPONSIBLE PERSON OR FIRM RESPONDS TO
29 A SOLICITATION FOR A CONTRACT TO BE NEGOTIATED PURSUANT TO SUBSECTION E OF
30 THIS SECTION, THE DEPARTMENT MAY PROCEED WITH ONLY ONE PERSON OR FIRM IN THE
31 SELECTION PROCESS AND MAY AWARD THE CONTRACT TO A SINGLE PERSON OR FIRM IF
32 THE DEPARTMENT DETERMINES IN WRITING THAT THE FEE NEGOTIATED PURSUANT TO

1 SUBSECTION E OF THIS SECTION IS FAIR AND REASONABLE AND THAT EITHER OTHER
2 PROSPECTIVE PERSONS OR FIRMS HAD REASONABLE OPPORTUNITY TO RESPOND OR THERE
3 IS NOT ADEQUATE TIME FOR A RESOLICITATION.

4 (iii) IF A PERSON OR FIRM ON THE FINAL LIST WITHDRAWS OR IS REMOVED
5 FROM THE SELECTION PROCESS AND THE SELECTION TEAM DETERMINES THAT IT IS IN
6 THE BEST INTEREST OF THE DEPARTMENT, THE SELECTION TEAM MAY REPLACE THAT
7 PERSON OR FIRM WITH THE PERSON OR FIRM THAT SUBMITTED QUALIFICATIONS AND THAT
8 IS SELECTED BY THE SELECTION TEAM AS THE NEXT MOST QUALIFIED.

9 (d) BASE THE SELECTION OF THE FINAL LIST AND ORDER OF PREFERENCE ON
10 THE FINAL LIST ONLY ON DEMONSTRATED COMPETENCE AND QUALIFICATIONS.

11 3. THE DEPARTMENT AND THE SELECTION TEAM SHALL NOT REQUEST OR CONSIDER
12 FEES, PRICE, MAN-HOURS OR ANY OTHER COST INFORMATION AT ANY POINT IN THE
13 SELECTION PROCESS UNDER THIS SUBSECTION OR SUBSECTION D OF THIS SECTION,
14 INCLUDING THE SELECTION OF THE PERSONS OR FIRMS TO BE INTERVIEWED, THE
15 SELECTION OF THE PERSONS OR FIRMS TO BE ON THE FINAL LIST, IN DETERMINING THE
16 ORDER OF PREFERENCE OF PERSONS OR FIRMS ON THE FINAL LIST OR FOR ANY OTHER
17 PURPOSE IN THE SELECTION PROCESS.

18 D. THE DEPARTMENT SHALL AWARD THE MULTIPLE CONTRACTS FOR
19 JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES TO THE SEPARATE PERSONS OR FIRMS
20 ON THE FINAL LIST PREPARED PURSUANT TO SUBSECTION C OF THIS SECTION AS
21 PROVIDED IN SUBSECTION E OR F OF THIS SECTION, EXCEPT THAT, IF FEWER THAN THE
22 NUMBER OF PERSONS OR FIRMS ON THE FINAL LIST RESPOND TO THE REQUEST FOR
23 PROPOSALS PURSUANT TO SUBSECTION F OF THIS SECTION BUT AT LEAST TWO PERSONS
24 OR FIRMS ON THE FINAL LIST SUBMIT RESPONSIVE PROPOSALS, OR IF ONE OR MORE OF
25 THE PERSONS OR FIRMS ON THE FINAL LIST DROP OUT OF THE SELECTION PROCESS
26 PURSUANT TO SUBSECTION E OR F OF THIS SECTION:

27 1. IF THERE ARE THREE OR MORE REMAINING PERSONS OR FIRMS, THE
28 DEPARTMENT SHALL PROCEED WITH THE SELECTION PROCESS.

29 2. IF THERE ARE ONLY TWO REMAINING PERSONS OR FIRMS, AS THE DEPARTMENT
30 DEEMS NECESSARY AND APPROPRIATE, THE DEPARTMENT MAY PROCEED WITH THE
31 SELECTION PROCESS WITH THE TWO PERSONS OR FIRMS OR MAY TERMINATE THE

1 SELECTION PROCESS AND MAY READVERTISE PURSUANT TO SUBSECTION C OF THIS
2 SECTION.

3 3. IF THERE IS ONLY ONE REMAINING PERSON OR FIRM, THE DEPARTMENT MAY
4 AWARD ONE OF THE MULTIPLE CONTRACTS TO THE SINGLE PERSON OR FIRM IF THE
5 DEPARTMENT DETERMINES IN WRITING THAT THE FEE NEGOTIATED PURSUANT TO
6 SUBSECTION E OF THIS SECTION IS FAIR AND REASONABLE AND THAT EITHER OTHER
7 PROSPECTIVE PERSONS OR FIRMS HAD A REASONABLE OPPORTUNITY TO RESPOND OR THERE
8 IS NOT ADEQUATE TIME FOR A RESOLICITATION.

9 E. FOR MULTIPLE CONTRACTS FOR THE SAME JOB-ORDER-CONTRACTING
10 CONSTRUCTION SERVICES INCLUDED IN THE REQUEST FOR QUALIFICATIONS, THE
11 DEPARTMENT SHALL ENTER INTO NEGOTIATIONS WITH THE NUMBER OF THE HIGHEST
12 QUALIFIED PERSONS OR FIRMS ON THE FINAL LIST EQUAL TO THE NUMBER OF CONTRACTS
13 THAT MAY OR WILL BE AWARDED. THE NEGOTIATIONS SHALL INCLUDE CONSIDERATION OF
14 COMPENSATION AND OTHER CONTRACT TERMS THAT THE DEPARTMENT DETERMINES TO BE
15 FAIR AND REASONABLE TO THE DEPARTMENT. IN MAKING THIS DECISION, THE
16 DEPARTMENT SHALL TAKE INTO ACCOUNT THE ESTIMATED VALUE, THE SCOPE, THE
17 COMPLEXITY AND THE NATURE OF THE CONSTRUCTION SERVICES TO BE RENDERED. IF
18 THE DEPARTMENT IS NOT ABLE TO NEGOTIATE A SATISFACTORY CONTRACT WITH A PERSON
19 OR FIRM WITH WHOM THE DEPARTMENT HAS COMMENCED NEGOTIATIONS AT COMPENSATION
20 AND ON OTHER CONTRACT TERMS THE DEPARTMENT DETERMINES TO BE FAIR AND
21 REASONABLE, THE DEPARTMENT SHALL FORMALLY TERMINATE NEGOTIATIONS WITH THAT
22 PERSON OR FIRM. THE DEPARTMENT MAY UNDERTAKE NEGOTIATIONS WITH THE NEXT MOST
23 QUALIFIED PERSON OR FIRM ON THE FINAL LIST WITH WHOM THE DEPARTMENT IS NOT
24 THEN NEGOTIATING AND WITH WHOM THE DEPARTMENT HAS NOT PREVIOUSLY NEGOTIATED
25 IN SEQUENCE UNTIL AN AGREEMENT IS REACHED OR A DETERMINATION IS MADE TO
26 REJECT ALL PERSONS OR FIRMS ON THE FINAL LIST. AS TO EACH CONTRACT FOR
27 JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES ENTERED INTO PURSUANT TO THIS
28 SUBSECTION, CONSTRUCTION SHALL NOT COMMENCE UNTIL THE DEPARTMENT AND THE
29 CONTRACTOR AGREE IN WRITING ON EITHER A FIXED PRICE THAT THE DEPARTMENT WILL
30 PAY FOR THE CONSTRUCTION TO BE COMMENCED OR A GUARANTEED MAXIMUM PRICE FOR
31 THE CONSTRUCTION TO BE COMMENCED.

1 F. AS AN ALTERNATIVE TO SUBSECTION E OF THIS SECTION, THE DEPARTMENT
2 MAY AWARD MULTIPLE CONTRACTS FOR THE SAME JOB-ORDER-CONTRACTING CONSTRUCTION
3 SERVICES AS FOLLOWS:

4 1. THE DEPARTMENT SHALL USE THE SELECTION TEAM THAT IS APPOINTED FOR
5 THE REQUEST FOR QUALIFICATIONS PURSUANT TO SUBSECTION C OF THIS SECTION.

6 2. THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS TO THE PERSONS
7 OR FIRMS ON THE FINAL LIST THAT IS DEVELOPED PURSUANT TO SUBSECTION C OF THIS
8 SECTION.

9 3. THE REQUEST FOR PROPOSALS SHALL INCLUDE:

10 (a) THE DEPARTMENT'S PROJECT SCHEDULE AND PROJECT FINAL DESIGN AND
11 CONSTRUCTION BUDGET OR LIFE CYCLE BUDGET FOR A PROCUREMENT THAT INCLUDES
12 MAINTENANCE SERVICES OR OPERATIONS SERVICES.

13 (b) A STATEMENT THAT THE CONTRACT WILL BE AWARDED TO THE OFFERORS
14 WHOSE PROPOSALS RECEIVE THE HIGHEST NUMBER OF POINTS UNDER A SCORING METHOD.

15 (c) A DESCRIPTION OF THE SCORING METHOD, INCLUDING A LIST OF THE
16 FACTORS IN THE SCORING METHOD AND THE NUMBER OF POINTS ALLOCATED TO EACH
17 FACTOR.

18 (d) A REQUIREMENT THAT EACH OFFEROR SEPARATELY SUBMIT A TECHNICAL
19 PROPOSAL AND A PRICE PROPOSAL AND THAT THE OFFEROR'S ENTIRE PROPOSAL BE
20 RESPONSIVE TO THE REQUIREMENTS IN THE REQUEST FOR PROPOSALS.

21 (e) A STATEMENT THAT IN APPLYING THE SCORING METHOD THE SELECTION TEAM
22 WILL SEPARATELY EVALUATE THE TECHNICAL PROPOSAL AND THE PRICE PROPOSAL AND
23 WILL EVALUATE AND SCORE THE TECHNICAL PROPOSAL BEFORE OPENING THE PRICE
24 PROPOSAL.

25 (f) IF THE DEPARTMENT CONDUCTS DISCUSSIONS PURSUANT TO PARAGRAPH 5 OF
26 THIS SUBSECTION, A STATEMENT THAT DISCUSSIONS WILL BE HELD AND A REQUIREMENT
27 THAT EACH OFFEROR SUBMIT A PRELIMINARY TECHNICAL PROPOSAL BEFORE THE
28 DISCUSSIONS ARE HELD.

29 4. IF THE DEPARTMENT DETERMINES TO CONDUCT DISCUSSIONS PURSUANT TO
30 PARAGRAPH 5 OF THIS SUBSECTION, EACH OFFEROR SHALL SUBMIT A PRELIMINARY
31 TECHNICAL PROPOSAL TO THE DEPARTMENT BEFORE THOSE DISCUSSIONS ARE HELD.

1 5. IF DETERMINED BY THE DEPARTMENT AND INCLUDED BY THE DEPARTMENT IN
2 THE REQUEST FOR PROPOSALS, THE SELECTION TEAM SHALL CONDUCT DISCUSSIONS WITH
3 ALL OFFERORS THAT SUBMIT PRELIMINARY TECHNICAL PROPOSALS. DISCUSSIONS SHALL
4 BE FOR THE PURPOSE OF CLARIFICATION TO ENSURE FULL UNDERSTANDING OF, AND
5 RESPONSIVENESS TO, THE SOLICITATION REQUIREMENTS. THE DEPARTMENT SHALL
6 ACCORD FAIR TREATMENT TO OFFERORS WITH RESPECT TO ANY OPPORTUNITY FOR
7 DISCUSSION AND FOR CLARIFICATION BY THE OWNER. REVISION OF PRELIMINARY
8 TECHNICAL PROPOSALS SHALL BE PERMITTED AFTER SUBMISSION OF PRELIMINARY
9 TECHNICAL PROPOSALS AND BEFORE THE AWARD FOR THE PURPOSE OF OBTAINING THE
10 BEST AND FINAL PROPOSALS. IN CONDUCTING ANY DISCUSSIONS, INFORMATION DERIVED
11 FROM PROPOSALS SUBMITTED BY COMPETING OFFERORS SHALL NOT BE DISCLOSED TO
12 OTHER COMPETING OFFERORS.

13 6. AFTER COMPLETION OF ANY DISCUSSIONS PURSUANT TO PARAGRAPH 5 OF THIS
14 SUBSECTION OR IF NO DISCUSSIONS ARE HELD, EACH OFFEROR SHALL SEPARATELY
15 SUBMIT THE OFFEROR'S FINAL TECHNICAL PROPOSAL AND THE OFFEROR'S PRICE
16 PROPOSAL.

17 7. BEFORE OPENING ANY PRICE PROPOSAL, THE SELECTION TEAM SHALL OPEN
18 THE FINAL TECHNICAL PROPOSALS, EVALUATE THE FINAL TECHNICAL PROPOSALS AND
19 SCORE THE FINAL TECHNICAL PROPOSALS USING THE SCORING METHOD IN THE REQUEST
20 FOR PROPOSALS. NO OTHER FACTORS OR CRITERIA MAY BE USED IN THE EVALUATION
21 AND SCORING.

22 8. AFTER COMPLETION OF THE EVALUATION AND SCORING OF ALL FINAL
23 TECHNICAL PROPOSALS, THE SELECTION TEAM SHALL OPEN THE PRICE PROPOSALS,
24 EVALUATE THE PRICE PROPOSALS, SCORE THE PRICE PROPOSALS AND COMPLETE THE
25 SCORING OF THE ENTIRE PROPOSALS USING THE SCORING METHOD IN THE REQUEST FOR
26 PROPOSALS. NO OTHER FACTORS OR CRITERIA MAY BE USED IN THE EVALUATION AND
27 SCORING.

28 9. THE DEPARTMENT SHALL AWARD THE MULTIPLE CONTRACTS FOR
29 JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES TO THE RESPONSIVE AND RESPONSIBLE
30 OFFERORS WHOSE PROPOSALS RECEIVE THE HIGHEST SCORES UNDER THE METHOD OF
31 SCORING IN THE REQUEST FOR PROPOSALS. NO OTHER FACTORS OR CRITERIA MAY BE
32 USED IN THE EVALUATION.

1 10. THE CONTRACT FILE SHALL CONTAIN THE BASIS ON WHICH THE AWARD IS
2 MADE.

3 G. UNTIL AN AWARD AND EXECUTION OF ALL OF THE MULTIPLE CONTRACTS BY
4 THE DEPARTMENT, ONLY THE NAME OF EACH PERSON OR FIRM ON THE FINAL LIST
5 DEVELOPED PURSUANT TO SUBSECTION C OF THIS SECTION MAY BE MADE AVAILABLE TO
6 THE PUBLIC. ALL OTHER INFORMATION RECEIVED BY THE DEPARTMENT IN RESPONSE TO
7 THE REQUEST FOR QUALIFICATIONS OR CONTAINED IN THE PROPOSALS IS CONFIDENTIAL
8 IN ORDER TO AVOID DISCLOSURE OF THE CONTENTS THAT MAY BE PREJUDICIAL TO
9 COMPETING OFFERORS DURING THE SELECTION PROCESS. THE DEPARTMENT SHALL OPEN
10 THE PROPOSALS TO PUBLIC INSPECTION AFTER THE CONTRACT IS AWARDED AND THE
11 DEPARTMENT HAS EXECUTED ALL OF THE MULTIPLE CONTRACTS. TO THE EXTENT THAT
12 THE OFFEROR DESIGNATES AND THE DEPARTMENT CONCURS, TRADE SECRETS AND OTHER
13 PROPRIETARY DATA CONTAINED IN A PROPOSAL REMAIN CONFIDENTIAL.

14 H. THE DEPARTMENT MAY CANCEL A REQUEST FOR QUALIFICATIONS OR A REQUEST
15 FOR PROPOSALS OR REJECT IN WHOLE OR IN PART ANY OR ALL PROPOSALS AS SPECIFIED
16 IN THE SOLICITATION IF IT IS IN THE BEST INTEREST OF THE DEPARTMENT. THE
17 DEPARTMENT SHALL MAKE THE REASONS FOR CANCELLATION OR REJECTION PART OF THE
18 CONTRACT FILE.

19 I. NOTWITHSTANDING ANY OTHER LAW:

20 1. THE CONTRACTOR FOR JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES IS
21 NOT REQUIRED TO BE REGISTERED TO PERFORM DESIGN SERVICES PURSUANT TO TITLE
22 32, CHAPTER 1 IF THE PERSON OR FIRM ACTUALLY PERFORMING THE DESIGN SERVICES
23 ON BEHALF OF THE CONTRACTOR IS APPROPRIATELY REGISTERED.

24 2. THE CONTRACTOR FOR JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES
25 SHALL BE LICENSED TO PERFORM CONSTRUCTION PURSUANT TO TITLE 32, CHAPTER 10.

26 3. THE DEPARTMENT SHALL NOT PROCURE ANY CONSTRUCTION SERVICES USING
27 THE CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION SERVICES, ONE-STEP DESIGN-BUILD
28 CONSTRUCTION SERVICES OR JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES METHOD
29 OF PROJECT DELIVERY AFTER DECEMBER 31, 2025. FOR THE PURPOSES OF THIS
30 PARAGRAPH, THE DEPARTMENT PROCURES CONSTRUCTION SERVICES IF THE DEPARTMENT
31 SOLICITS THE CONTRACT FOR CONSTRUCTION SERVICES. IF THE DEPARTMENT SOLICITS
32 A CONTRACT FOR CONSTRUCTION SERVICES ON OR BEFORE DECEMBER 31, 2025, THE

1 CONTRACT MAY BE EXECUTED AND CONSTRUCTION SERVICES UNDER THE CONTRACT MAY BE
2 RENDERED IN WHOLE OR IN PART AFTER DECEMBER 31, 2025.

3 J. FOR JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES ONLY:

4 1. THE MAXIMUM DOLLAR AMOUNT OF AN INDIVIDUAL JOB ORDER SHALL BE ONE
5 MILLION DOLLARS OR THE HIGHER OR LOWER AMOUNT PRESCRIBED BY THE DEPARTMENT.
6 REQUIREMENTS SHALL NOT BE ARTIFICIALLY DIVIDED OR FRAGMENTED IN ORDER TO
7 CONSTITUTE A JOB ORDER THAT SATISFIES THIS REQUIREMENT.

8 2. IF THE CONTRACTOR SUBCONTRACTS OR INTENDS TO SUBCONTRACT ANY OF THE
9 WORK UNDER A JOB ORDER AND IF THE JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES
10 CONTRACT INCLUDES DESCRIPTIONS OF STANDARD INDIVIDUAL TASKS, STANDARD UNIT
11 PRICES FOR STANDARD INDIVIDUAL TASKS AND PRICING OF JOB ORDERS BASED ON THE
12 NUMBER OF UNITS OF STANDARD INDIVIDUAL TASKS IN THE JOB ORDER:

13 (a) THE CONTRACTOR HAS A DUTY TO DELIVER PROMPTLY TO EACH
14 SUBCONTRACTOR INVITED TO BID A COEFFICIENT TO THE CONTRACTOR TO DO ALL OR
15 PART OF THE WORK UNDER ONE OR MORE JOB ORDERS:

16 (i) A COPY OF THE DESCRIPTIONS OF ALL STANDARD INDIVIDUAL TASKS ON
17 WHICH THE SUBCONTRACTOR IS INVITED TO BID.

18 (ii) A COPY OF THE STANDARD UNIT PRICES FOR THE INDIVIDUAL TASKS ON
19 WHICH THE SUBCONTRACTOR IS INVITED TO BID.

20 (b) IF NOT PREVIOUSLY DELIVERED TO THE SUBCONTRACTOR, THE CONTRACTOR
21 HAS A DUTY TO DELIVER PROMPTLY THE FOLLOWING TO EACH SUBCONTRACTOR INVITED TO
22 OR THAT HAS AGREED TO DO ANY OF THE WORK INCLUDED IN ANY JOB ORDER:

23 (i) A COPY OF THE DESCRIPTION OF EACH STANDARD INDIVIDUAL TASK THAT IS
24 INCLUDED IN THE JOB ORDER AND THAT THE SUBCONTRACTOR IS INVITED TO PERFORM.

25 (ii) THE NUMBER OF UNITS OF EACH STANDARD INDIVIDUAL TASK THAT IS
26 INCLUDED IN THE JOB ORDER AND THAT THE SUBCONTRACTOR IS INVITED TO PERFORM.

27 (iii) THE STANDARD UNIT PRICE FOR EACH STANDARD INDIVIDUAL TASK THAT
28 IS INCLUDED IN THE JOB ORDER AND THAT THE SUBCONTRACTOR IS INVITED TO
29 PERFORM.

30 K. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS TITLE, THE
31 DEPARTMENT SHALL NOT ENTER INTO A CONTRACT AS CONTRACTOR TO PROVIDE

1 CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION SERVICES, ONE-STEP DESIGN-BUILD
2 CONSTRUCTION SERVICES OR JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES.

3 L. EACH CONTRACT FOR CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION
4 SERVICES, ONE-STEP DESIGN-BUILD CONSTRUCTION SERVICES OR
5 JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES SHALL CONTAIN A DESCRIPTION OF
6 EACH SEPARATE LOCATION AT WHICH THE CONSTRUCTION WILL BE PERFORMED AND A
7 REQUIREMENT THAT THE CONTRACTOR INCLUDE IN EACH OF THE CONTRACTOR
8 SUBCONTRACTS THE SAME LOCATION DESCRIPTION. THE CONTRACTOR SHALL INCLUDE IN
9 EACH SUBCONTRACT A DESCRIPTION OF EACH SEPARATE LOCATION AT WHICH THE
10 CONSTRUCTION WILL BE PERFORMED.

11 M. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, SECTIONS 28-6923 AND
12 28-6924, RELATING TO BID, PERFORMANCE AND PAYMENT BONDS, CHANGE ORDERS,
13 PROGRESS PAYMENTS, CONTRACT RETENTION, DEFINITIONS AND AUTHORITY TO AWARD
14 CONTRACTS, APPLY TO DEPARTMENT CONSTRUCTION-MANAGER-AT-RISK, ONE-STEP
15 DESIGN-BUILD AND JOB-ORDER-CONTRACTING CONTRACTS FOR TRANSPORTATION
16 FACILITIES PURSUANT TO THIS ARTICLE."

17 Renumber to conform

18 Page 14, line 23, after "services" insert ", EXCEPT THAT INSTEAD OF A SINGLE
19 CONTRACT FOR CONSTRUCTION SERVICES, THE AGENT MAY ELECT SEPARATE CONTRACTS
20 FOR PRECONSTRUCTION SERVICES DURING THE DESIGN PHASE, FOR CONSTRUCTION DURING
21 THE CONSTRUCTION PHASE AND FOR ANY OTHER CONSTRUCTION SERVICES"

22 Page 15, line 9, after "services" insert ", EXCEPT THAT INSTEAD OF A SINGLE
23 CONTRACT FOR DESIGN SERVICES AND CONSTRUCTION SERVICES, THE AGENT MAY ELECT
24 SEPARATE CONTRACTS FOR PRECONSTRUCTION SERVICES AND DESIGN SERVICES DURING
25 THE DESIGN PHASE, FOR CONSTRUCTION AND DESIGN SERVICES DURING THE
26 CONSTRUCTION PHASE AND FOR ANY OTHER CONSTRUCTION SERVICES"

27 Line 40, after "landfills" insert ", LIGHT RAIL, COMMUTER RAIL, HEAVY RAIL,
28 GUIDE RAIL"

29 Line 41, after the period insert "FOR THE PURPOSES OF THIS PARAGRAPH, LIGHT
30 RAIL, COMMUTER RAIL, HEAVY RAIL AND GUIDE RAIL DO NOT INCLUDE ANY RELATED
31 RAIL STATIONS, MAINTENANCE FACILITIES OR PARKING FACILITIES."

Page 16, line 20, after "SERVICES" insert "AND OTHER ACTIVITIES"

Line 25, strike "material" insert "MATERIALS"

Page 17, line 35, after "PROCURE" insert "IN A SINGLE SOLICITATION"

Page 18, lines 24 and 27, after "registrant" insert "OR TECHNICAL REGISTRANTS"

Line 30, after the period insert "THE AMOUNT OF EACH CONTRACT IN A SINGLE
PROCUREMENT UNDER THIS SUBSECTION AND SUBSECTION F SHALL NOT EXCEED THE
DOLLAR AMOUNT LIMITS IN SUBSECTIONS B AND D."

Line 34, strike "with at least three persons or firms"

Lines 37 and 38, strike "a separate final list for each contract being procured
of at least three" insert "ONE OR MORE FINAL LISTS"

Line 39, strike "OR, IF"

Strike lines 40 and 41

Line 42, strike "DEEMED TO BE THE MOST QUALIFIED TO PROVIDE THE SERVICES
REQUIRED"

Page 19, line 6, after the period insert "IF THE PROCUREMENT IS FOR:

1. A SINGLE CONTRACT OR IF THE PROCUREMENT IS FOR MULTIPLE CONTRACTS
TO BE AWARDED TO A SINGLE PERSON OR FIRM, THERE SHALL BE ONE FINAL LIST OF
THREE PERSONS OR FIRMS.

2. MULTIPLE CONTRACTS FOR DIFFERENT TECHNICAL REGISTRANT SERVICES TO
BE AWARDED TO SEPARATE PERSONS OR FIRMS, THERE SHALL BE A SEPARATE FINAL LIST
OF THREE PERSONS OR FIRMS FOR EACH CONTRACT.

3. MULTIPLE CONTRACTS FOR THE SAME TECHNICAL REGISTRANT SERVICES TO BE
AWARDED TO SEPARATE PERSONS OR FIRMS, THERE SHALL BE ONE FINAL LIST AND THE
NUMBER OF PERSONS OR FIRMS ON THE FINAL LIST SHALL BE THE NUMBER OF CONTRACTS
PLUS ANOTHER NUMBER THAT IS DETERMINED BY THE AGENT AND THAT IS NOT MORE THAN
FIVE."

Line 8, after "~~procurement~~" insert "PURSUANT TO SUBSECTION E"

Line 9, strike the second "the" insert "EACH"; after "list" strike remainder of
line

Strike line 10

Line 11, strike "professional services" insert "OR, IN THE CASE OF A SINGLE
FINAL LIST FOR MULTIPLE CONTRACTS FOR THE SAME TECHNICAL REGISTRANT SERVICES

1 TO BE AWARDED TO SEPARATE PERSONS OR FIRMS, THE AGENT SHALL ENTER INTO
2 NEGOTIATIONS WITH A NUMBER OF THE HIGHEST QUALIFIED PERSONS OR FIRMS ON THE
3 FINAL LIST EQUAL TO THE NUMBER OF CONTRACTS THAT MAY OR WILL BE AWARDED"

4 Page 19, line 16, strike "the highest qualified person or"

5 Strike line 17, insert "A PERSON OR FIRM WITH WHICH THE AGENT IS NEGOTIATING
6 AT A"

7 Line 23, strike "for the contract"

8 Line 24, strike "THE" insert "A"; strike "FOR A CONTRACT OR"

9 Line 25, strike "MULTIPLE CONTRACTS"

10 Line 26, strike "FOR THAT CONTRACT OR THOSE MULTIPLE CONTRACTS"

11 Line 28, strike "PROFESSIONAL" insert "TECHNICAL REGISTRANT"

12 Page 20, line 4, after "A." insert "NOTWITHSTANDING TITLE 48 OR ANY OTHER LAW,"

13 Line 23, strike "OR" insert a comma; after "34-604" insert "OR 34-606"

14 Line 28, strike "OR" insert a comma; after "34-604" insert "OR 34-606"

15 Line 35, strike "~~34-103 or~~" insert "34-103 or"; strike "34-612" insert "34-606"

16 Page 21, strike lines 24 through 28, insert:

17 "(c) AN AGENT IS LIMITED TO ONE CONTRACT IN EACH PROCUREMENT UNDER
18 THIS SECTION. ALTERNATIVELY:

19 (i) FOR CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION SERVICES, AN AGENT
20 MAY ELECT SEPARATE CONTRACTS FOR PRECONSTRUCTION SERVICES DURING THE DESIGN
21 PHASE, FOR CONSTRUCTION DURING THE CONSTRUCTION PHASE AND FOR ANY OTHER
22 CONSTRUCTION SERVICES.

23 (ii) FOR DESIGN-BUILD CONSTRUCTION SERVICES, AN AGENT MAY ELECT
24 SEPARATE CONTRACTS FOR PRECONSTRUCTION SERVICES AND DESIGN SERVICES DURING
25 THE DESIGN PHASE, FOR CONSTRUCTION AND DESIGN SERVICES DURING THE
26 CONSTRUCTION PHASE AND FOR ANY OTHER CONSTRUCTION SERVICES.

27 (iii) FOR PROFESSIONAL SERVICES, AN AGENT MAY ENTER INTO MULTIPLE
28 CONTRACTS FOR DIFFERENT PHASES OF A SINGLE PROJECT."

29 Line 35, after "LOCATIONS" strike remainder of line

30 Strike lines 36, 37 and 38, insert ":

31 (i) AT THE TIME THE REQUEST FOR QUALIFICATIONS IS ISSUED, THE AGENT
32 MUST INTEND TO COMMENCE ALL CONSTRUCTION SERVICES AT EACH LOCATION WITHIN

1 THIRTY MONTHS AFTER EXECUTION OF THE FIRST CONTRACT FOR PRECONSTRUCTION
2 SERVICES OR OTHER CONSTRUCTION SERVICES AT ANY OF THE LOCATIONS.

3 (ii) THE REQUEST FOR QUALIFICATIONS MUST INCLUDE THE INFORMATION
4 DESCRIBED IN PARAGRAPH 2, SUBDIVISION (g) OF THIS SUBSECTION."

5 Page 23, line 10, after "PLAN" insert ". ALL SELECTION CRITERIA UNDER THIS
6 SUBSECTION SHALL BE FACTORS THAT DEMONSTRATE COMPETENCE AND QUALIFICATIONS
7 FOR THE TYPE OF PROFESSIONAL SERVICES OR CONSTRUCTION SERVICES INCLUDED IN
8 THE PROCUREMENT. IF"

9 Lines 11 and 20, strike "IF"

10 Page 24, between lines 5 and 6, insert:

11 "(g) IN A PROCUREMENT OF CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION
12 SERVICES OR DESIGN-BUILD CONSTRUCTION SERVICES TO BE PERFORMED AT MULTIPLE
13 LOCATIONS, INCLUDE:

14 (i) A BRIEF DESCRIPTION OF THE CONSTRUCTION SERVICES TO BE PERFORMED
15 AT EACH LOCATION.

16 (ii) THE ESTIMATED BUDGET FOR THE CONSTRUCTION SERVICES TO BE
17 PERFORMED AT EACH LOCATION.

18 (iii) A SCHEDULE FOR THE CONSTRUCTION SERVICES TO BE PERFORMED AT EACH
19 LOCATION THAT SHOWS THE AGENT'S INTENT TO COMMENCE ALL CONSTRUCTION SERVICES
20 AT EACH LOCATION WITHIN THIRTY MONTHS AFTER EXECUTION OF THE FIRST CONTRACT
21 FOR PRECONSTRUCTION SERVICES OR OTHER CONSTRUCTION SERVICES AT ANY OF THE
22 LOCATIONS."

23 Line 9, after the period insert "EACH SELECTION COMMITTEE MUST INCLUDE ONE
24 EMPLOYEE OF THE AGENT OR AN AGENT REPRESENTATIVE WHO IS APPOINTED BY THE
25 AGENT."

26 Page 25, line 17, strike "SECTION" insert "SUBSECTION"

27 Page 28, line 22, strike "NOTIFY" insert "SEND ACTUAL NOTICE TO"

28 Strike lines 28 through 34

29 Page 31, line 10, after "factors" insert "THAT DEMONSTRATE COMPETENCE AND
30 QUALIFICATIONS FOR THE TYPE OF CONSTRUCTION SERVICES IN THE REQUEST FOR
31 PROPOSALS"

32 Line 31, strike "persons or firms" insert "OFFERORS"

Page 32, line 8, after the period strike remainder of line

Strike lines 9 through 14

Line 19, strike "NOTIFY" insert "SEND ACTUAL NOTICE TO"

Line 41, strike "an" insert "an"; strike "A"

Line 42, strike "final list"; strike "an" insert "an"

Line 43, strike "A final list"

Page 33, strike lines 15, 16 and 17, insert:

"(iv) A LIST THAT CONTAINS THE NAME OF EACH PERSON OR FIRM THAT
SUBMITTED QUALIFICATIONS AND THAT SHOWS THE PERSON'S OR FIRM'S FINAL OVERALL
RANK OR SCORE.

(v) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE OR RANK ON EACH
SELECTION CRITERIA OF EACH PERSON OR FIRM THAT SUBMITTED QUALIFICATIONS AND
THAT SUPPORT THE FINAL OVERALL RANKINGS AND SCORES OF THE PERSONS OR FIRMS
THAT SUBMITTED QUALIFICATIONS. AT THE ELECTION OF THE AGENT, THIS
DOCUMENTATION MAY BE IN THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE
ENTIRE SELECTION COMMITTEE, IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR
INDIVIDUAL SELECTION COMMITTEE MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE
AGENT."

Strike lines 26, 27 and 28, insert:

"(iv) A LIST THAT CONTAINS THE NAME OF EACH PERSON OR FIRM THAT WAS
INTERVIEWED AND THAT SHOWS THE PERSON'S OR FIRM'S FINAL OVERALL RANK OR
SCORE.

(v) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE OR RANK ON EACH
SELECTION CRITERIA OF EACH PERSON OR FIRM THAT WAS INTERVIEWED AND THAT
SUPPORT THE FINAL OVERALL RANKINGS AND SCORES OF THE PERSONS OR FIRMS THAT
WERE INTERVIEWED. AT THE ELECTION OF THE AGENT, THIS DOCUMENTATION MAY BE IN
THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE ENTIRE SELECTION COMMITTEE,
IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR INDIVIDUAL SELECTION COMMITTEE
MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE AGENT."

Strike lines 38, 39 and 40, insert:

"(c) A LIST THAT CONTAINS THE NAME OF EACH OFFEROR THAT SUBMITTED A
PROPOSAL AND THAT SHOWS THE OFFEROR'S FINAL OVERALL SCORE.

(d) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE ON EACH FACTOR IN THE SCORING METHOD IN THE REQUEST FOR PROPOSALS OF EACH OFFEROR THAT SUBMITTED A PROPOSAL AND THAT SUPPORT THE FINAL OVERALL SCORES OF THE OFFERORS THAT SUBMITTED PROPOSALS. AT THE ELECTION OF THE AGENT, THIS DOCUMENTATION MAY BE IN THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE ENTIRE SELECTION COMMITTEE, IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR INDIVIDUAL SELECTION COMMITTEE MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE AGENT."

Page 33, line 43, after "1." insert "NOTWITHSTANDING TITLE 39, CHAPTER 1, ARTICLE 2,"

Page 34, line 10, after "PUBLIC" insert "PURSUANT TO TITLE 39, CHAPTER 1, ARTICLE 2"

Line 13, after "SECTION" insert "AND THE DOCUMENT OR DOCUMENTS PRESCRIBED IN SUBSECTION G, PARAGRAPH 1, SUBDIVISION (a), ITEM (v) AND SUBDIVISION (b), ITEM (v) AND PARAGRAPH 2, SUBDIVISION (d) OF THIS SECTION"

Between lines 22 and 23, insert:

"5. THE DOCUMENT OR DOCUMENTS PRESCRIBED IN SUBSECTION G, PARAGRAPH 1, SUBDIVISION (a), ITEM (v) AND SUBDIVISION (b), ITEM (v) AND PARAGRAPH 2, SUBDIVISION (d) OF THIS SECTION ARE AVAILABLE TO THE EXTENT PROVIDED IN TITLE 39, CHAPTER 1, ARTICLE 2."

Line 25, strike "SINGLE OR MULTIPLE"

Page 39, line 1, after "FIRMS" insert "OR IN A PROCUREMENT FOR MULTIPLE CONTRACTS FOR THE SAME PROFESSIONAL SERVICES TO BE AWARDED TO SEPARATE PERSONS OR FIRMS"

Line 5, after the second "FOR" insert "DIFFERENT"

Line 14, after "PLAN" insert ". ALL SELECTION CRITERIA PURSUANT TO THIS SUBSECTION SHALL BE FACTORS THAT DEMONSTRATE COMPETENCE AND QUALIFICATIONS FOR THE TYPE OF PROFESSIONAL SERVICES OR JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES INCLUDED IN THE PROCUREMENT. IF"

Lines 15 and 24, strike "IF"

Line 36, after "FOR" insert "THE SAME"

Page 39, between lines 42 and 43, insert:

"(iii) IN A PROCUREMENT OF MULTIPLE CONTRACTS FOR DIFFERENT PROFESSIONAL SERVICES TO BE AWARDED TO SEPARATE PERSONS OR FIRMS, STATE THAT INTERVIEWS WILL BE HELD AND THAT THE INTERVIEWS WILL BE WITH A SPECIFIED NUMBER OF PERSONS OR FIRMS. THE SPECIFIED NUMBER SHALL BE STATED IN THE REQUEST FOR QUALIFICATIONS, SHALL BE DETERMINED BY THE AGENT, SHALL BE AT LEAST THREE TIMES THE NUMBER OF CONTRACTS THAT MAY OR WILL BE AWARDED AND SHALL NOT BE MORE THAN FIVE TIMES THE NUMBER OF CONTRACTS THAT MAY OR WILL BE AWARDED."

Page 40, line 21, after the period insert "EACH SELECTION COMMITTEE MUST INCLUDE ONE EMPLOYEE OF THE AGENT OR AN AGENT REPRESENTATIVE WHO IS APPOINTED BY THE AGENT."

Page 41, line 25, strike "SECTION" insert "SUBSECTION"

Line 31, after "CONTRACTS" insert "FOR DIFFERENT PROFESSIONAL SERVICES"

Line 32, after the comma insert "THERE IS A SEPARATE FINAL LIST FOR EACH CONTRACT AND"

Strike lines 34 through 39, insert:

"(c) BEFORE OR AT THE SAME TIME AS THE AGENT NOTIFIES THE PERSONS OR FIRMS ON EACH FINAL LIST THAT THEY ARE ON THAT FINAL LIST, THE AGENT SHALL SEND ACTUAL NOTICE TO THE FOLLOWING PERSONS OR FIRMS THAT THEY ARE NOT ON THAT FINAL LIST:"

Strike lines 44 and 45

Page 42, strike lines 1 through 6

Lines 21 and 22, strike "MULTIPLE CONTRACTS FOR"

Line 23, after "1." insert "MULTIPLE CONTRACTS FOR"

Line 32, after "2." insert "MULTIPLE CONTRACTS FOR"

Line 33, after "FIRMS" insert "OR FOR MULTIPLE CONTRACTS FOR THE SAME PROFESSIONAL SERVICES TO BE AWARDED TO SEPARATE PERSONS OR FIRMS"

Page 43, line 1, after "3." insert "MULTIPLE CONTRACTS FOR DIFFERENT"

Line 22, strike "CONTRACT OR" insert "MULTIPLE"

Page 43, line 35, after "FACTORS" insert "THAT DEMONSTRATE COMPETENCE AND QUALIFICATIONS FOR THE JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES IN THE REQUEST FOR PROPOSALS"

Page 44, line 8, strike "PERSONS OR FIRMS" insert "OFFERORS"

Line 30, after the period strike remainder of line

Strike lines 31 through 36

Line 37, after the second "THE" insert "MULTIPLE"; strike "NUMBER"

Line 41, after "WINNING" strike remainder of line

Strike lines 42 and 43, insert "OFFERORS THAT THEY HAVE WON, THE AGENT SHALL SEND ACTUAL NOTICE TO EACH OTHER OFFEROR EITHER THAT THE OFFEROR HAS NOT WON OR THAT OTHER OFFERORS HAVE WON."

Page 45, line 1, strike "CONTRACT OR"

Lines 18, 19 and 20, insert:

"(iv) A LIST THAT CONTAINS THE NAME OF EACH PERSON OR FIRM THAT SUBMITTED QUALIFICATIONS AND THAT SHOWS THE PERSON'S OR FIRM'S FINAL OVERALL RANK OR SCORE.

(v) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE OR RANK ON EACH SELECTION CRITERIA OF EACH PERSON OR FIRM THAT SUBMITTED QUALIFICATIONS AND THAT SUPPORT THE FINAL OVERALL RANKINGS AND SCORES OF THE PERSONS OR FIRMS THAT SUBMITTED QUALIFICATIONS. AT THE ELECTION OF THE AGENT, THIS DOCUMENTATION MAY BE IN THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE ENTIRE SELECTION COMMITTEE, IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR INDIVIDUAL SELECTION COMMITTEE MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE AGENT."

Strike lines 29, 30 and 31, insert:

"(iv) A LIST THAT CONTAINS THE NAME OF EACH PERSON OR FIRM THAT WAS INTERVIEWED AND THAT SHOWS THE PERSON'S OR FIRM'S FINAL OVERALL RANK OR SCORE.

(v) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE OR RANK ON EACH SELECTION CRITERIA OF EACH PERSON OR FIRM THAT WAS INTERVIEWED AND THAT SUPPORT THE FINAL OVERALL RANKINGS AND SCORES OF THE PERSONS OR FIRMS THAT WERE INTERVIEWED. AT THE ELECTION OF THE AGENT, THIS DOCUMENTATION MAY BE IN

1 THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE ENTIRE SELECTION COMMITTEE,
2 IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR INDIVIDUAL SELECTION COMMITTEE
3 MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE AGENT."

4 Page 45, strike lines 41, 42 and 43, insert:

5 "(c) A LIST THAT CONTAINS THE NAME OF EACH OFFEROR THAT SUBMITTED A
6 PROPOSAL AND THAT SHOWS THE OFFEROR'S FINAL OVERALL SCORE.

7 (d) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE ON EACH FACTOR
8 IN THE SCORING METHOD IN THE REQUEST FOR PROPOSALS OF EACH OFFEROR THAT
9 SUBMITTED A PROPOSAL AND THAT SUPPORT THE FINAL OVERALL SCORES OF THE
10 OFFERORS THAT SUBMITTED PROPOSALS. AT THE ELECTION OF THE AGENT, THIS
11 DOCUMENTATION MAY BE IN THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE
12 ENTIRE SELECTION COMMITTEE, IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR
13 INDIVIDUAL SELECTION COMMITTEE MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE
14 AGENT."

15 Page 46, line 3, after "1." insert "NOTWITHSTANDING TITLE 39, CHAPTER 1,
16 ARTICLE 2,"

17 Line 14, after "PUBLIC" insert "PURSUANT TO TITLE 39, CHAPTER 1, ARTICLE 2"

18 Line 16, after "section" insert "AND THE DOCUMENT OR DOCUMENTS PRESCRIBED IN
19 SUBSECTION G, PARAGRAPH 1, SUBDIVISION (a), ITEM (v) AND SUBDIVISION (b),
20 ITEM (v) AND PARAGRAPH 2, SUBDIVISION (d) OF THIS SECTION"

21 Between lines 27 and 28, insert:

22 "5. THE DOCUMENT OR DOCUMENTS PRESCRIBED IN SUBSECTION G, PARAGRAPH 1,
23 SUBDIVISION (a), ITEM (v) AND SUBDIVISION (b), ITEM (v) AND PARAGRAPH 2,
24 SUBDIVISION (d) OF THIS SECTION ARE AVAILABLE TO THE EXTENT PROVIDED IN TITLE
25 39, CHAPTER 1, ARTICLE 2."

26 Page 47, strike lines 43, 44 and 45

27 Page 48, strike lines 1 through 6

28 Line 37, after "G." insert "THE FOLLOWING APPLY TO HORIZONTAL CONSTRUCTION:
29 1."

30 After line 45, insert:

31 "2. FOR EACH HORIZONTAL CONSTRUCTION PROJECT UNDER A DESIGN-BUILD OR
32 CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION SERVICES CONTRACT, THE LICENSED

1 CONTRACTOR PERFORMING THE CONTRACT SHALL PERFORM, WITH THE CONTRACTOR'S OWN
2 ORGANIZATION, CONSTRUCTION WORK THAT AMOUNTS TO NOT LESS THAN FORTY-FIVE PER
3 CENT OF THE TOTAL CONTRACT PRICE FOR THE CONSTRUCTION, EXCEPT THAT FOR LIGHT
4 RAIL, COMMUTER RAIL, HEAVY RAIL AND GUIDE RAIL THE SELF-PERFORMANCE
5 PERCENTAGE SHALL BE NOT LESS THAN THIRTY PER CENT.

6 3. A PROJECT WILL BE HORIZONTAL CONSTRUCTION IF MORE THAN ONE-HALF OF
7 THE TOTAL CONTRACT PRICE FOR THE CONSTRUCTION IS FOR HORIZONTAL CONSTRUCTION.
8 PROJECT ELEMENTS SHALL NOT BE ARTIFICIALLY ADDED IN ORDER TO MAKE A PROJECT
9 NOT HORIZONTAL CONSTRUCTION AND SHALL NOT BE ARTIFICIALLY DELETED IN ORDER TO
10 MAKE A PROJECT HORIZONTAL CONSTRUCTION.

11 4. THE TOTAL CONTRACT PRICE FOR THE CONSTRUCTION DOES NOT INCLUDE THE
12 COST OF PRECONSTRUCTION SERVICES, DESIGN SERVICES OR ANY OTHER RELATED
13 SERVICES OR THE COST TO PROCURE ANY RIGHT-OF-WAY OR OTHER COST OF
14 CONDEMNATION."

15 Page 49, between lines line 21 and 22, insert:

16 "1. THE CONTRACTOR PERFORMING THE CONSTRUCTION SERVICES IS PERMITTED
17 TO SELF-PERFORM PART OF THE CONSTRUCTION WORK IF AND TO THE EXTENT AGREED IN
18 WRITING BY THE AGENT AND THE CONTRACTOR. THE AGENT MAY USE METHODS OTHER
19 THAN COMPETITIVE BIDDING TO ASSURE ITSELF THAT THE PRICE THE AGENT PAYS TO
20 THE CONTRACTOR FOR SELF-PERFORMED WORK IS FAIR AND REASONABLE. PERMITTED
21 METHODS TO EVALUATE FAIRNESS AND REASONABLENESS OF THE PRICE OF
22 SELF-PERFORMED WORK INCLUDE EVALUATION OF THE CONTRACTOR'S PROPOSED SCOPE OF
23 WORK AND PRICE FOR SELF-PERFORMED WORK BY AN ESTIMATOR WHO IS HIRED AND PAID
24 BY THE AGENT, WHO IS INDEPENDENT OF THE CONTRACTOR AND WHO MAY BE AN EMPLOYEE
25 OF THE AGENT. ALTHOUGH THE AGENT MAY ELECT TO SO REQUIRE, NOTHING IN THIS
26 CHAPTER, THIS TITLE OR ANY OTHER LAW SHALL BE CONSTRUED OR INTERPRETED TO
27 REQUIRE THE AGENT TO REQUIRE A CONTRACTOR DESIRING TO SELF-PERFORM PART OF
28 THE CONSTRUCTION WORK TO COMPETITIVELY BID THAT PART OF THE CONSTRUCTION WORK
29 AGAINST OTHER CONTRACTORS IN A BID COMPETITION.

30 2. THE FOLLOWING REQUIREMENTS APPLY TO THE CONSTRUCTION WORK TO BE
31 PERFORMED BY SUBCONTRACTORS AND DO NOT APPLY TO CONSTRUCTION WORK THAT THE

1 AGENT AND THE CONTRACTOR AGREE IN WRITING WILL BE SELF-PERFORMED BY THE
2 CONTRACTOR:"

3 Page 49, line 22, strike "1." insert "(a)"

4 Line 30, strike "2." insert "(b)"

5 Line 31, strike "(a)" insert "(i)"

6 Line 37, strike "(b)" insert "(ii)"

7 Line 41, strike "3." insert "(c)"

8 Page 56, line 17, after "services" insert ", EXCEPT THAT INSTEAD OF A SINGLE
9 CONTRACT FOR CONSTRUCTION SERVICES, THE PURCHASING AGENCY MAY ELECT SEPARATE
10 CONTRACTS FOR PRECONSTRUCTION SERVICES DURING THE DESIGN PHASE, FOR
11 CONSTRUCTION DURING THE CONSTRUCTION PHASE AND FOR ANY OTHER CONSTRUCTION
12 SERVICES"

13 Page 57, line 11, after "services" insert ", EXCEPT THAT INSTEAD OF A SINGLE
14 CONTRACT FOR DESIGN SERVICES AND CONSTRUCTION SERVICES, THE PURCHASING AGENCY
15 MAY ELECT SEPARATE CONTRACTS FOR PRECONSTRUCTION SERVICES AND DESIGN SERVICES
16 DURING THE DESIGN PHASE, FOR CONSTRUCTION AND DESIGN SERVICES DURING THE
17 CONSTRUCTION PHASE AND FOR ANY OTHER CONSTRUCTION SERVICES"

18 Page 58, line 28, after "SERVICES" insert "AND OTHER ACTIVITIES"

19 Page 61, line 18, after "section" insert "41-2537,"; strike "subsection A"

20 Line 19, strike "OR SECTION"; strike ", SUBSECTION A" insert "OR 41-2581"

21 Line 20, strike "OR" insert a comma; after "41-2579" insert "OR 41-2581"

22 Page 65, line 32, strike "these"

23 Page 67, strike lines 13 through 18, insert:

24 "(c) A PURCHASING AGENCY IS LIMITED TO ONE CONTRACT IN EACH
25 PROCUREMENT UNDER THIS SECTION. ALTERNATIVELY:

26 (i) FOR CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION SERVICES, A
27 PURCHASING AGENCY MAY ELECT SEPARATE CONTRACTS FOR PRECONSTRUCTION SERVICES
28 DURING THE DESIGN PHASE, FOR CONSTRUCTION DURING THE CONSTRUCTION PHASE AND
29 FOR ANY OTHER CONSTRUCTION SERVICES.

30 (ii) FOR DESIGN-BUILD CONSTRUCTION SERVICES, A PURCHASING AGENCY MAY
31 ELECT SEPARATE CONTRACTS FOR PRECONSTRUCTION SERVICES AND DESIGN SERVICES

1 DURING THE DESIGN PHASE, FOR CONSTRUCTION AND DESIGN SERVICES DURING THE
2 CONSTRUCTION PHASE AND FOR ANY OTHER CONSTRUCTION SERVICES.

3 (iii) FOR PROFESSIONAL SERVICES, A PURCHASING AGENCY MAY ENTER INTO
4 MULTIPLE CONTRACTS FOR DIFFERENT PHASES OF A SINGLE PROJECT."

5 Page 67, line 25, after "LOCATIONS" strike remainder of line

6 Strike lines 26, 27 and 28, insert ":

7 (i) AT THE TIME THE REQUEST FOR QUALIFICATIONS IS ISSUED, THE
8 PURCHASING AGENCY MUST INTEND TO COMMENCE ALL CONSTRUCTION SERVICES AT EACH
9 LOCATION WITHIN THIRTY MONTHS AFTER EXECUTION OF THE FIRST CONTRACT FOR
10 PRECONSTRUCTION SERVICES OR OTHER CONSTRUCTION SERVICES AT ANY OF THE
11 LOCATIONS.

12 (ii) THE REQUEST FOR QUALIFICATIONS MUST INCLUDE THE INFORMATION
13 DESCRIBED IN PARAGRAPH 2, SUBDIVISION (g) OF THIS SUBSECTION."

14 Page 68, line 32, after "PLAN" insert ". ALL SELECTION CRITERIA UNDER THIS
15 SUBSECTION SHALL BE FACTORS THAT DEMONSTRATE COMPETENCE AND QUALIFICATIONS
16 FOR THE TYPE OF PROFESSIONAL SERVICES OR CONSTRUCTION SERVICES INCLUDED IN
17 THE PROCUREMENT. IF"

18 Lines 33 and 42, strike "IF"

19 Page 69, between lines 21 and 22, insert:

20 "(g) IN A PROCUREMENT OF CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION
21 SERVICES OR DESIGN-BUILD CONSTRUCTION SERVICES TO BE PERFORMED AT MULTIPLE
22 LOCATIONS, INCLUDE:

23 (i) A BRIEF DESCRIPTION OF THE CONSTRUCTION SERVICES TO BE PERFORMED
24 AT EACH LOCATION.

25 (ii) THE ESTIMATED BUDGET FOR THE CONSTRUCTION SERVICES TO BE
26 PERFORMED AT EACH LOCATION.

27 (iii) A SCHEDULE FOR THE CONSTRUCTION SERVICES TO BE PERFORMED AT EACH
28 LOCATION THAT SHOWS THE PURCHASING AGENCY'S INTENT TO COMMENCE ALL
29 CONSTRUCTION SERVICES AT EACH LOCATION WITHIN THIRTY MONTHS AFTER EXECUTION
30 OF THE FIRST CONTRACT FOR PRECONSTRUCTION SERVICES OR OTHER CONSTRUCTION
31 SERVICES AT ANY OF THE LOCATIONS."

Page 69, line 26, after the period insert "EACH SELECTION COMMITTEE MUST INCLUDE ONE EMPLOYEE OF THE PURCHASING AGENCY OR A PURCHASING AGENCY REPRESENTATIVE APPOINTED BY THE PURCHASING AGENCY."

Page 70, line 33, strike "SECTION" insert "SUBSECTION"

Page 74, line 15, strike "NOTIFY" insert "SEND ACTUAL NOTICE TO"

Strike lines 22 through 29

Page 77, line 9, after "factors" insert "THAT DEMONSTRATE COMPETENCE AND QUALIFICATIONS FOR THE TYPE OF CONSTRUCTION SERVICES IN THE REQUEST FOR PROPOSALS"

Line 32, strike "persons or firms" insert "OFFERORS"

Page 78, line 11, after the period strike remainder of line

Strike lines 12 through 17

Line 23, strike "NOTIFY" insert "SEND ACTUAL NOTICE TO"

Line 45, strike "an" insert "an"; strike "A"

Page 79, line 1, strike "final list"; strike "an" insert "an"

Line 2, strike "A final list"

Strike lines 19, 20 and 21, insert:

"(iv) A LIST THAT CONTAINS THE NAME OF EACH PERSON OR FIRM THAT SUBMITTED QUALIFICATIONS AND THAT SHOWS THE PERSON'S OR FIRM'S FINAL OVERALL RANK OR SCORE.

(v) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE OR RANK ON EACH SELECTION CRITERIA OF EACH PERSON OR FIRM THAT SUBMITTED QUALIFICATIONS AND THAT SUPPORT THE FINAL OVERALL RANKINGS AND SCORES OF THE PERSONS OR FIRMS THAT SUBMITTED QUALIFICATIONS. AT THE ELECTION OF THE PURCHASING AGENCY, THIS DOCUMENTATION MAY BE IN THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE ENTIRE SELECTION COMMITTEE, IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR INDIVIDUAL SELECTION COMMITTEE MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE PURCHASING AGENCY."

Strike lines 30, 31 and 32, insert:

"(iv) A LIST THAT CONTAINS THE NAME OF EACH PERSON OR FIRM THAT WAS INTERVIEWED AND THAT SHOWS THE PERSON'S OR FIRM'S FINAL OVERALL RANK OR SCORE.

(v) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE OR RANK ON EACH SELECTION CRITERIA OF EACH PERSON OR FIRM THAT WAS INTERVIEWED AND THAT SUPPORT THE FINAL OVERALL RANKINGS AND SCORES OF THE PERSONS OR FIRMS THAT WERE INTERVIEWED. AT THE ELECTION OF THE PURCHASING AGENCY, THIS DOCUMENTATION MAY BE IN THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE ENTIRE SELECTION COMMITTEE, IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR INDIVIDUAL SELECTION COMMITTEE MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE PURCHASING AGENCY."

Page 79, strike lines 42, 43 and 44, insert:

"(c) A LIST THAT CONTAINS THE NAME OF EACH OFFEROR THAT SUBMITTED A PROPOSAL AND THAT SHOWS THE OFFEROR'S FINAL OVERALL SCORE.

(d) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE ON EACH FACTOR IN THE SCORING METHOD IN THE REQUEST FOR PROPOSALS OF EACH OFFEROR THAT SUBMITTED A PROPOSAL AND THAT SUPPORT THE FINAL OVERALL SCORES OF THE OFFERORS THAT SUBMITTED PROPOSALS. AT THE ELECTION OF THE PURCHASING AGENCY, THIS DOCUMENTATION MAY BE IN THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE ENTIRE SELECTION COMMITTEE, IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR INDIVIDUAL SELECTION COMMITTEE MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE PURCHASING AGENCY."

Page 80, line 3, after "1." insert "NOTWITHSTANDING TITLE 39, CHAPTER 1, ARTICLE 2,"

Line 15, after "PUBLIC" insert "PURSUANT TO TITLE 39, CHAPTER 1, ARTICLE 2"

Line 18, after "SECTION" insert "AND THE DOCUMENT OR DOCUMENTS PRESCRIBED IN SUBSECTION G, PARAGRAPH 1, SUBDIVISION (a), ITEM (v) AND SUBDIVISION (b), ITEM (v) AND PARAGRAPH 2, SUBDIVISION (d) OF THIS SECTION"

Between lines 28 and 29, insert:

"5. THE DOCUMENT OR DOCUMENTS PRESCRIBED IN SUBSECTION G, PARAGRAPH 1, SUBDIVISION (a), ITEM (v) AND SUBDIVISION (b), ITEM (v) AND PARAGRAPH 2, SUBDIVISION (d) OF THIS SECTION ARE AVAILABLE TO THE EXTENT PROVIDED IN TITLE 39, CHAPTER 1, ARTICLE 2."

Page 84, line 43, after "FIRMS" insert "OR IN A PROCUREMENT FOR MULTIPLE CONTRACTS
FOR THE SAME PROFESSIONAL SERVICES TO BE AWARDED TO SEPARATE PERSONS OR
FIRMS"

Page 85, line 3, after the second "FOR" insert "DIFFERENT"

Line 12, after "PLAN" insert ". ALL SELECTION CRITERIA UNDER THIS SUBSECTION
SHALL BE FACTORS THAT DEMONSTRATE COMPETENCE AND QUALIFICATIONS FOR THE TYPE
OF PROFESSIONAL SERVICES OR JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES
INCLUDED IN THE PROCUREMENT. IF"

Lines 13 and 22, strike "IF"

Line 34, after "FOR" insert "THE SAME"

Between lines 40 and 41, insert:

"(iii) IN A PROCUREMENT OF MULTIPLE CONTRACTS FOR DIFFERENT
PROFESSIONAL SERVICES TO BE AWARDED TO SEPARATE PERSONS OR FIRMS, STATE THAT
INTERVIEWS WILL BE HELD AND THAT THE INTERVIEWS WILL BE WITH A SPECIFIED
NUMBER OF PERSONS OR FIRMS. THE SPECIFIED NUMBER SHALL BE STATED IN THE
REQUEST FOR QUALIFICATIONS, SHALL BE DETERMINED BY THE PURCHASING AGENCY,
SHALL BE AT LEAST THREE TIMES THE NUMBER OF CONTRACTS THAT MAY OR WILL BE
AWARDED AND SHALL NOT BE MORE THAN FIVE TIMES THE NUMBER OF CONTRACTS THAT
MAY OR WILL BE AWARDED."

Page 86, line 20, after the period insert "EACH SELECTION COMMITTEE MUST INCLUDE
ONE EMPLOYEE OF THE PURCHASING AGENCY OR A PURCHASING AGENCY REPRESENTATIVE
APPOINTED BY THE PURCHASING AGENCY."

Page 87, line 20, strike "SECTION" insert "SUBSECTION"

Line 26, after "CONTRACTS" insert "FOR DIFFERENT PROFESSIONAL SERVICES"

Line 27, after the comma insert "THERE IS A SEPARATE FINAL LIST FOR EACH
CONTRACT AND"

Strike lines 29 through 34, insert:

"(c) BEFORE OR AT THE SAME TIME AS THE PURCHASING AGENCY NOTIFIES THE
PERSONS OR FIRMS ON EACH FINAL LIST THAT THEY ARE ON THAT FINAL LIST, THE
PURCHASING AGENCY SHALL SEND ACTUAL NOTICE TO THE FOLLOWING PERSONS OR FIRMS
THAT THEY ARE NOT ON THAT FINAL LIST:"

Strike lines 39 through 44

1 Page 88, strike lines 1 and 2

2 Line 20, strike "MULTIPLE CONTRACTS FOR"

3 Line 21, after "1." insert "MULTIPLE CONTRACTS FOR"

4 Line 31, after "2." insert "MULTIPLE CONTRACTS FOR"

5 Line 32, after "FIRMS" insert "OR FOR MULTIPLE CONTRACTS FOR THE SAME
6 PROFESSIONAL SERVICES TO BE AWARDED TO SEPARATE PERSONS OR FIRMS"

7 Page 89, line 1, after "3." insert "MULTIPLE CONTRACTS FOR DIFFERENT"

8 Line 24, strike "CONTRACT OR" insert "MULTIPLE"

9 Line 37, after "FACTORS" insert "THAT DEMONSTRATE COMPETENCE AND QUALIFICATIONS
10 FOR THE JOB-ORDER-CONTRACTING CONSTRUCTION SERVICES IN THE REQUEST FOR
11 PROPOSALS"

12 Page 90, line 11, strike "PERSONS OR FIRMS" insert "OFFERORS"

13 Line 34, after the period strike remainder of line

14 Strike lines 35 through 40

15 Line 41, after the second "THE" insert "MULTIPLE"; strike "NUMBER OF"

16 Page 91, line 1, after "WINNING" strike remainder of line

17 Strike lines 2 and 3, insert "OFFERORS THAT THEY HAVE WON, THE PURCHASING AGENCY
18 SHALL GIVE ACTUAL NOTICE TO EACH OTHER OFFEROR EITHER THAT THE OFFEROR HAS
19 NOT WON OR THAT OTHER OFFERORS HAVE WON."

20 Line 4, strike "CONTRACT OR"

21 Strike lines 21, 22 and 23, insert:

22 "(iv) A LIST THAT CONTAINS THE NAME OF EACH PERSON OR FIRM THAT
23 SUBMITTED QUALIFICATIONS AND THAT SHOWS THE PERSON'S OR FIRM'S FINAL OVERALL
24 RANK OR SCORE.

25 (v) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE OR RANK ON EACH
26 SELECTION CRITERIA OF EACH PERSON OR FIRM THAT SUBMITTED QUALIFICATIONS AND
27 THAT SUPPORT THE FINAL OVERALL RANKINGS AND SCORES OF THE PERSONS OR FIRMS
28 THAT SUBMITTED QUALIFICATIONS. AT THE ELECTION OF THE PURCHASING AGENCY,
29 THIS DOCUMENTATION MAY BE IN THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE
30 ENTIRE SELECTION COMMITTEE, IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR
31 INDIVIDUAL SELECTION COMMITTEE MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE
32 PURCHASING AGENCY."

Page 91, strike lines 32, 33 and 34, insert:

"(iv) A LIST THAT CONTAINS THE NAME OF EACH PERSON OR FIRM THAT WAS INTERVIEWED AND THAT SHOWS THE PERSON'S OR FIRM'S FINAL OVERALL RANK OR SCORE.

(v) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE OR RANK ON EACH SELECTION CRITERIA OF EACH PERSON OR FIRM THAT WAS INTERVIEWED AND THAT SUPPORT THE FINAL OVERALL RANKINGS AND SCORES OF THE PERSONS OR FIRMS THAT WERE INTERVIEWED. AT THE ELECTION OF THE PURCHASING AGENCY, THIS DOCUMENTATION MAY BE IN THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE ENTIRE SELECTION COMMITTEE, IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR INDIVIDUAL SELECTION COMMITTEE MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE PURCHASING AGENCY."

Page 92, strike lines 1, 2 and 3, insert:

"(c) A LIST THAT CONTAINS THE NAME OF EACH OFFEROR THAT SUBMITTED A PROPOSAL AND THAT SHOWS THE OFFEROR'S FINAL OVERALL SCORE.

(d) A DOCUMENT OR DOCUMENTS THAT SHOW THE FINAL SCORE ON EACH FACTOR IN THE SCORING METHOD IN THE REQUEST FOR PROPOSALS OF EACH OFFEROR THAT SUBMITTED A PROPOSAL AND THAT SUPPORT THE FINAL OVERALL SCORES OF THE OFFERORS THAT SUBMITTED PROPOSALS. AT THE ELECTION OF THE PURCHASING AGENCY, THIS DOCUMENTATION MAY BE IN THE FORM OF A CONSOLIDATED SCORING SHEET FOR THE ENTIRE SELECTION COMMITTEE, IN THE FORM OF INDIVIDUAL SCORING SHEETS FOR INDIVIDUAL SELECTION COMMITTEE MEMBERS OR ANY OTHER FORM AS DETERMINED BY THE PURCHASING AGENCY."

Line 6, after "1." insert "NOTWITHSTANDING TITLE 39, CHAPTER 1, ARTICLE 2,"

Line 18, after "PUBLIC" insert "PURSUANT TO TITLE 39, CHAPTER 1, ARTICLE 2"

Line 21, after "SECTION" insert "AND THE DOCUMENT OR DOCUMENTS PRESCRIBED IN SUBSECTION G, PARAGRAPH 1, SUBDIVISION (a), ITEM (v), AND SUBDIVISION (b), ITEM (v) AND PARAGRAPH 2, SUBDIVISION (d) OF THIS SECTION"

Between lines 33 and 34, insert:

"5. THE DOCUMENT OR DOCUMENTS PRESCRIBED IN SUBSECTION G, PARAGRAPH 1, SUBDIVISION (a), ITEM (v) AND SUBDIVISION (b), ITEM (v) AND PARAGRAPH 2,

SUBDIVISION (d) OF THIS SECTION ARE AVAILABLE TO THE EXTENT PROVIDED IN TITLE 39, CHAPTER 1, ARTICLE 2."

Page 95, between lines 17 and 18, insert:

"1. THE CONTRACTOR PERFORMING THE CONSTRUCTION SERVICES IS PERMITTED TO SELF-PERFORM PART OF THE CONSTRUCTION WORK, IF AND TO THE EXTENT AGREED IN WRITING BY THE PURCHASING AGENCY AND THE CONTRACTOR. THE PURCHASING AGENCY MAY USE METHODS OTHER THAN COMPETITIVE BIDDING TO ASSURE ITSELF THAT THE PRICE THE PURCHASING AGENCY PAYS TO THE CONTRACTOR FOR SELF-PERFORMED WORK IS FAIR AND REASONABLE. PERMITTED METHODS TO EVALUATE FAIRNESS AND REASONABLENESS OF THE PRICE OF SELF-PERFORMED WORK INCLUDE EVALUATION OF THE CONTRACTOR'S PROPOSED SCOPE OF WORK AND PRICE FOR SELF-PERFORMED WORK BY AN ESTIMATOR WHO IS HIRED AND PAID BY THE PURCHASING AGENCY, WHO IS INDEPENDENT OF THE CONTRACTOR AND WHO MAY BE AN EMPLOYEE OF THE PURCHASING AGENCY. ALTHOUGH THE PURCHASING AGENCY MAY ELECT TO SO REQUIRE, NOTHING IN THIS TITLE OR ANY OTHER LAW SHALL BE CONSTRUED OR INTERPRETED TO REQUIRE THE PURCHASING AGENCY TO REQUIRE A CONTRACTOR DESIRING TO SELF-PERFORM PART OF THE CONSTRUCTION WORK TO COMPETITIVELY BID THAT PART OF THE CONSTRUCTION WORK AGAINST OTHER CONTRACTORS IN A BID COMPETITION.

2. THE FOLLOWING REQUIREMENTS APPLY TO THE CONSTRUCTION WORK TO BE PERFORMED BY SUBCONTRACTORS AND DO NOT APPLY TO CONSTRUCTION WORK THAT THE PURCHASING AGENCY AND THE CONTRACTOR AGREE IN WRITING WILL BE SELF-PERFORMED BY THE CONTRACTOR:"

Line 18, strike "1." insert "(a)"

Line 26, strike "2." insert "(b)"

Line 27, strike "(a)" insert "(i)"

Line 33, strike "(b)" insert "(ii)"

Line 38, strike "3." insert "(c)"

Page 96, line 14, after the period insert "THE AMOUNT OF EACH CONTRACT IN A SINGLE PROCUREMENT UNDER THIS SECTION SHALL NOT EXCEED THE DOLLAR AMOUNT LIMITS IN SUBSECTION A."

Lines 18 and 19, strike "WITH AT LEAST THREE PERSONS OR FIRMS"

Page 96, lines 21 and 22, strike "A SEPARATE FINAL LIST FOR EACH CONTRACT BEING
PROCURED OF AT LEAST THREE" insert "ONE OR MORE FINAL LISTS"

Line 24, after "REQUIRED" strike remainder of line

Strike lines 25 and 26

Line 27, strike "TO PROVIDE THE SERVICES REQUIRED"

Line 35, after the period insert "IF THE PROCUREMENT IS FOR:

1. A SINGLE CONTRACT OR IF THE PROCUREMENT IS FOR MULTIPLE CONTRACTS
TO BE AWARDED TO A SINGLE PERSON OR FIRM, THERE SHALL BE ONE FINAL LIST OF
THREE PERSONS OR FIRMS.

2. MULTIPLE CONTRACTS FOR DIFFERENT PROFESSIONAL SERVICES TO BE
AWARDED TO SEPARATE PERSONS OR FIRMS, THERE SHALL BE A SEPARATE FINAL LIST OF
THREE PERSONS OR FIRMS FOR EACH CONTRACT.

3. MULTIPLE CONTRACTS FOR THE SAME PROFESSIONAL SERVICES TO BE AWARDED
TO SEPARATE PERSONS OR FIRMS, THERE SHALL BE ONE FINAL LIST AND THE NUMBER OF
PERSONS OR FIRMS ON THE FINAL LIST SHALL BE THE NUMBER OF CONTRACTS PLUS
ANOTHER NUMBER THAT IS DETERMINED BY THE PURCHASING AGENCY AND THAT IS NOT
MORE THAN FIVE."

Line 36, after "SELECTED" insert "PURSUANT TO SUBSECTION B"

Line 38, strike "FOR THE SINGLE CONTRACT OR MULTIPLE CONTRACTS" insert "OR, IN
THE CASE OF A SINGLE FINAL LIST FOR MULTIPLE CONTRACTS FOR THE SAME
PROFESSIONAL SERVICES TO BE AWARDED TO SEPARATE PERSONS OR FIRMS, THE
PURCHASING AGENCY SHALL ENTER INTO NEGOTIATIONS WITH A NUMBER OF THE HIGHEST
QUALIFIED PERSONS OR FIRMS ON THE FINAL LIST EQUAL TO THE NUMBER OF CONTRACTS
THAT MAY OR WILL BE AWARDED"

Lines 44 and 45, strike "THE HIGHEST QUALIFIED PERSON OR FIRM ON THE FINAL LIST
FOR THE CONTRACT" insert "A PERSON OR FIRM WITH WHICH THE PURCHASING AGENCY
IS NEGOTIATING"

Page 97, line 6, strike "FOR THE CONTRACT"

Line 7, strike "THE" insert "A"; strike "FOR A"

Line 8, strike "CONTRACT OR MULTIPLE CONTRACTS"

Line 9, after "LIST" strike "FOR THAT CONTRACT OR THOSE MULTIPLE CONTRACTS"

Senate Amendments to S.B. 1377

1 Page 97, line 33, after "section" insert "[41-2535, 41-2536, 41-2537,](#)"; strike "OR"
2 insert a comma; after "41-2579" insert "[OR 41-2581](#)"
3 Line 41, after "section" insert "[41-2535, 41-2536, 41-2537,](#)"; strike "OR" insert
4 a comma; after "41-2579" insert "[OR 41-2581](#)"
5 Page 98, line 2, after "section" insert "[41-2535, 41-2536, 41-2537,](#)"; strike "OR"
6 insert a comma; after "41-2579" insert "[OR 41-2581](#)"
7 Line 27, strike "sections" insert "[SECTION](#)"
8 Line 28, strike "[AND](#)" insert a comma; after "[41-2579](#)" insert "[OR 41-2581](#)"
9 Line 32, strike "sections" insert "[SECTION](#)"
10 Line 33, strike "AND" insert a comma; after "[41-2579](#)" insert "[OR 41-2581](#)"
11 Amend title to conform

[JAY TIBSHRAENY](#)

1377jt2
02/26/2008
3:28 PM
C: mo